

### **REMARKS/ARGUMENTS**

By the *Office Action* of 10 December 2008, Claims 1-2, 4-17, 19, and 75-77 are pending in the Application. All pending Claims are rejected. Applicant thanks the Examiner with appreciation for the careful consideration and examination.

By the present *Response and Amendment*, Claims 1-2, 4-17, 19, and 75-77 are pending in the Application. Claims 1-2 and 77 are clarified herein, and Claims 4-17, 19, and 75-76 remain in their previous forms.

Applicant submits this *Response and Amendment* solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional Claims in this Application that have similar or broader scope as originally-filed. Applicant also reserves the right to present additional Claims in a later-filed continuation application that have similar or broader scope as originally-filed. Accordingly, any amendment, argument, or Claim cancellation is not to be construed as abandonment or disclaimer of subject matter.

No new matter is believed introduced by this submission, as support for the clarifications to the Claims can be found at least at ¶¶ 28 and 47 of the *Specification*, as published in U.S. Patent Application No. 2005/0156952. It is respectfully submitted that the present Application is in condition for allowance for at least the reasons set forth below.

#### **I. Claim Rejections Under 35 U.S.C. § 103**

Claims 1-2, 4-17, 19, and 75-77 are rejected under 35 U.S.C. § 103(a). Specifically, (a) Claims 1-2, 6-8, and 19 are rejected as being unpatentable over U.S. Patent Application 2003/0196980 to Ahn; (b) Claims 75 and 77 are rejected as being unpatentable over Ahn in view of U.S. Patent No. 6,902,074 to Albrecht; (c) Claim 76 is rejected as being unpatentable over Ahn in view of Albrecht, and further in view of U.S. Patent Application No. 2003/0206164 to Juenger; (d) Claims 4-5 are rejected as being unpatentable over Ahn in view of U.S. Patent No. 5,300,943 to Jakobs et al.; and (e) Claims 9-17 are rejected as being unpatentable over Ahn in view of U.S. Patent Application No. 2003/0001825 to Omura et al.

Applicant respectfully disagrees with these rejections at least because the cited combinations fail to disclose the following non-obvious features of Applicant's independent claims:

- a positioning element for moving the interactive display between various heights, and a position locking element for securing the interactive display at the desired height (Claim 1);
- a positioning element counterbalancing the weight of an interactive display by applying an upward force to counteract a downward force of the interactive display, thereby allowing for the continuous level of vertical adjustment of the interactive display with a vertical repositioning force of less than about 25 pounds (Claims 1 and 77); and
- a positioning assembly enabling positioning of an interactive display in a continuous range between a bottom height and a top height (Claim 75), or positioning an interactive display at any height between a bottom height and a top height (Claims 75 and 77).

**A. The Cited Combinations Fail to Disclose a Positioning Element and a Position Locking Element As Claimed**

The Examiner alleges that that Ahn discloses a positioning element for the interactive display, and a position locking element for locking a vertical position of the interactive display, as were previously recited by Claim 1. (*Office Action*, p. 3.) Applicant herein clarifies Claim 1, which now recites “a positioning element for moving the interactive display between various heights,” and “a position locking element for securing the interactive display at the desired height.” Applicant respectfully submits that these features of clarified independent Claim 1 are not disclosed or suggested by Ahn or the cited combinations.

The Examiner alleges that Ahn discloses a positioning element. (*Id.*) Specifically, the Examiner alleges that the vertical braces 48 of Ahn constitute such positioning element. (*Id.*) Applicant submits, however, that such vertical braces do not “move[e] the interactive display between various heights,” as is presently recited.

As depicted in FIG. 20 of Ahn, reproduced below, the vertical braces 48 are stationary elements. A pair of the vertical braces 48 combines to produce a ladder-like structure 106, which acts as a vertical support for the mounting apparatus 100. (Ahn, ¶71.). Each ladder 106 has multiple cross-braces, or rungs 54, which are positioned, as illustrated, between the vertical braces 48 at predetermined discrete positions along the height of the ladder 106. (*Id.*) Connecting devices 105 and 108 are mounted on the rungs 54 at the predetermined positions, and

various items may be displayed on the connecting devices 105 and 108. (*Id.*) The vertical braces 48 and the ladder 106, however, cannot *move* a displayed object or a connecting device 105 or 108. Instead, to relocate a displayed object or connecting device 105 or 108 to a different height, a person must disconnect the connecting device 105 or 108 from a rung 54, and then reconnect the connecting device 105 or 108 to a different rung at a different predetermined height. Accordingly, Ahn fails to disclose “a positioning element for moving the interactive display between various heights.”

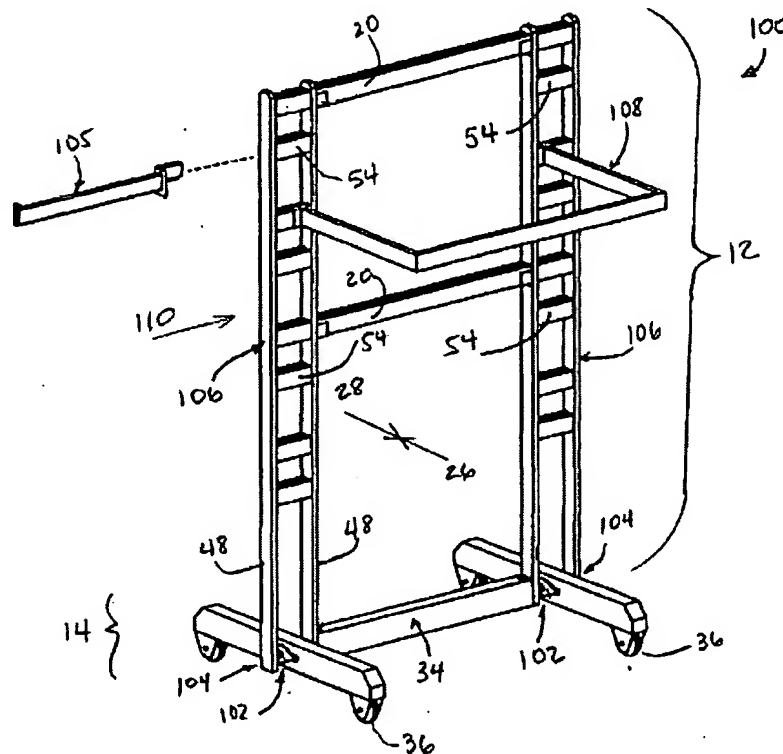
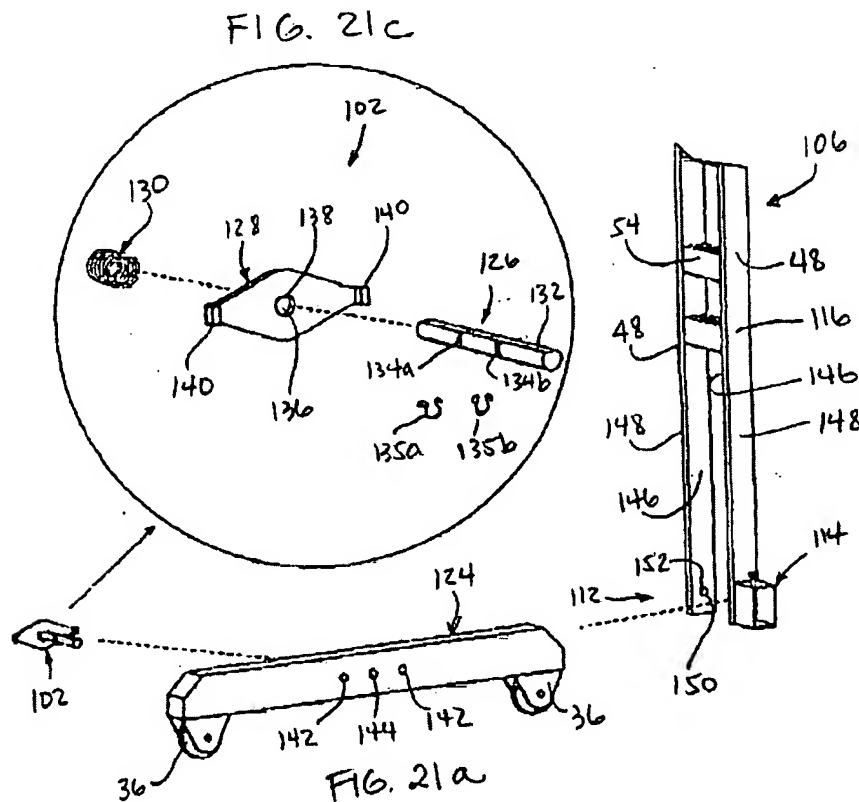


FIG. 20

The Examiner additionally alleges that Ahn discloses a position locking element for locking a vertical position of the interactive display, as was previously recited in Claim 1. (*Office Action*, p. 3.) According to the Examiner, a locking pin 126 of Ahn represents this previously recited feature of Claim 1. Applicant herein clarifies Claim 1 to recite “a position locking element for securing the interactive display at the desired height.” Applicant respectfully submits that the cited combinations fail to disclose this feature of clarified Claim 1.

As shown in FIGS. 21a and 21c of Ahn, which are reproduced below, the locking pin 126, secures a stabilizer bar 124 to a ladder 106. As described and illustrated above, the ladder is

a vertical support on which connecting devices 105 and 108 and display objects are mounted. As shown in FIG 20, above, and FIGS 21a and 21c, below, the stabilizer bar is a portion of the base of the mounting apparatus 100. Accordingly, the locking pin 126 secures a vertical support 106 to the base 124 of the mounting apparatus 100. The locking pin 126 does not secure an interactive display or other object at a *desired* height, as claimed. To the contrary, the locking pin 126 is configured to connect the vertical support 106 and the base 124 at a single, predetermined height low enough to the ground to provide sufficient support to keep the mounting apparatus 100 upright.



Accordingly, as discussed above, the cited combinations fail to disclose either “a positioning element for moving the interactive display between various heights,” or “a position locking element for securing the interactive display at the desired height,” as recited by clarified independent Claim 1.

**B. It Is Non-Obvious to Modify the Cited Combinations to Counterbalance the Interactive Display**

The Examiner admits that Ahn, the primary reference, fails to disclose “counterbalance[ing] weight of the interactive display by applying an upward force to counteract

a downward force of the interactive display, thereby allowing for the continuous level of vertical adjustment of the interactive display with a vertical repositioning force of less than about 25 pounds,” as was previously recited in Claims 1 and 77. (*Office Action*, p. 3.) In an attempt to rectify this admitted deficiency of Ahn, the Examiner alleges that it would have been obvious to modify Ahn to include this previously recited feature. (*Office Action*, p. 3.)

Applicant herein clarifies Claims 1 and 77 to recite that an *upward* repositioning force is less than about 25 pounds. Additionally, Applicant respectfully submits that this presently recited feature of Claims 1 and 77 is non-obvious over Ahn and the cited combinations.

According to the Examiner, modifying Ahn to include counterbalancing is obvious because “a support stand for an interactive display can stand and stable when using a counterbalance the weight to the interactive display by applying an upward force on the display, thereby allowing for the continuous level of vertical adjustment of the interactive display with a vertical repositioning force of less than about 25 pounds.” (*Id.*) Applicant respectfully submits, however, that counterbalancing is *not required* for a support stand to support an interactive display or other object. A support stand without counterbalancing can be stable and stand upright so long as it is adequately sized and heavy enough to support the interactive display. In using a support without counterbalancing, however, a user has to exert a force equal or greater than the weight of the interactive display in order to upwardly reposition the interactive display. Accordingly, the Examiner’s reasoning for asserting that counterbalancing represents an obvious modification is, respectfully, incorrect.

In addition, there is no suggestion in Ahn, the cited combinations, or the art that “less than about 25 pounds” is a proper degree of force required to upwardly reposition an interactive display on a support frame. Accordingly, Applicant respectfully submits that “a vertical repositioning force of less than about 25 pounds,” as claimed, is non-obvious over the cited combinations.

Further, the Examiner’s proposed modifications of Ahn are not suggested by the art and are neither suggested by, nor compatible with, Ahn. As illustrated in FIG. 20 of Ahn, which is reproduced in Section I.A. of this paper, a mounting apparatus of Ahn comprises stationary support ladders 106. (Ahn, ¶71.). Each ladder 106 has multiple cross-braces, or rungs 54, which are positioned, as illustrated, at predetermined discrete positions along the height of the ladder 106. (*Id.*) Connecting devices 105 and 108 are mounted on the rungs 54 at the predetermined

positions, and various items may be displayed on the connecting devices 105 and 108. (*Id.*) To relocate a displayed object or connecting device 105 or 108 to a different height, a person must disconnect the connecting device 105 or 108 from a rung 54, and then reconnect the connecting device 105 or 108 to a different rung at a different predetermined height.

When a connecting device 105 or 108 is removed from a rung 54, the connecting device 105 or 108 is no longer supported by the mounting apparatus 100. Accordingly, the mounting apparatus 100 cannot counterbalance the connecting device 105 or 108 while the connecting device 105 or 108 is being repositioned. The force required to reposition a connecting device 105 or 108 must be provided by the person repositioning the connecting device 105 or 108, so counterbalancing a connecting device 105 or 108 during upward repositioning is not suggested or possible given the operation of the mounting apparatus in Ahn. To provide such a feature in the mounting apparatus would be to impermissibly change a principal of operation of Ahn. (MPEP § 2143.01 (VI).)

For at least the above reasons, Applicant submits that it is non-obvious to modify Ahn to provide “a positioning element counterbalancing the weight of an interactive display by applying an upward force to counteract a downward force of the interactive display, thereby allowing for the continuous level of vertical adjustment of the interactive display with a vertical repositioning force of less than about 25 pounds,” as recited in Claims 1 and 77.

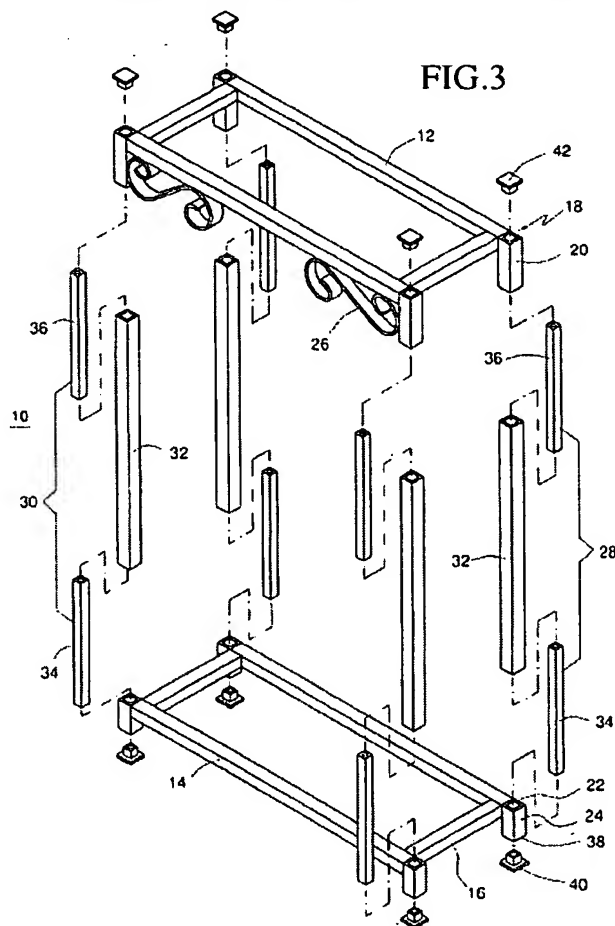
### **C. The Cited Combinations Fail to Disclose a Continuous Range of Adjustment**

Independent Claims 75 and 77 recite, respectively, a “positioning assembly enabling positioning of the interactive display in a *continuous range* between the bottom height and the top height, wherein the interactive display is positionable *at any height* between the bottom height and the top height” and a “positioning assembly enabling positioning of the interactive display *at any height* between the bottom height and the top height.” The Examiner alleges that the cited combinations, specifically Albrecht, disclose these features of Claims 75 and 77. (*Office Action*, pp. 4-5.) Applicant respectfully disagrees.

Albrecht discloses a knock-down support stand for supporting heavy objects, such as aquariums. (Albrecht, col. 1, ll. 45-49.) The support stand is comprised of various parts that slide together to form double-tubing. (Albrecht, col. 1, ll. 49-54.) A pair of first and second elements of the support stand interconnects by sliding an inner tubing section of the first element

into an outer tubing section of the second element. (*Id.*) The result is a pair of inter-connected elements forming a double-tubed section. (*Id.*)

Although the elements of the support stand are slidable for assembly of the stand, the slidability is *not* meant to enable adjustability of the support stand. The support stand is designed to be assembled into a single, predetermined, non-adjustable configuration. Reproduced below, FIG. 3 of Albrecht illustrates assembly of the support stand.

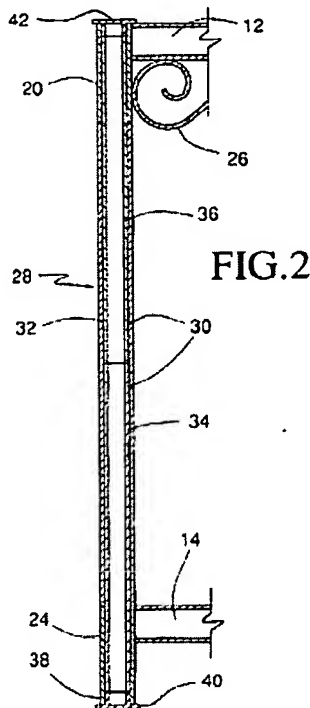


As described by Albrecht:

To assemble the stand 10, the inner sleeve sections 34 of the support legs 28 are inserted into the vertical hollow sleeves 24 of the lower frame 14 *until they contact the floor or other support surface*. Next, the outer sleeves 32 of the support legs 28 are slid over the inner sleeve sections 34 *until they abut the top ends of the lower frame vertical sleeves 24*. The second group of inner sleeve sections 36 are next slid into the outer sleeves 32 *until they engage the top ends of the first group of inner sleeve sections 34*. Finally, the upper frame 12 is mounted in the exposed upper ends of the inner sleeve sections 36 so that the vertical hollow sleeves 20 engage the top ends of the support leg outer sleeves 32. A

corresponding one of a plurality of plastic caps or the like 42 is then preferably inserted into each of the open top ends of the vertical sleeves 20 on the upper frame 12. (Albrecht, col. 3, ll. 17-32, emphasis added.)

A section of the assembled support stand is illustrated in FIG. 2 of Albrecht below. As described and illustrated above, various elements of the support stand slide into their predetermined ultimate positions, and then they can no longer slide any further. (*Id.*) Then, such elements are locked into place by plastic caps. (*Id.*) FIG. 2 illustrates that the various elements are fixed together in unmovable, non-adjustable positions. As is visible in FIG. 2, each outer element abuts adjacent outer elements. Similarly, although not visible, each inner element abuts adjacent inner elements. Accordingly, once the support stand is assembled, the various elements of the support stand are immobile.



Additionally, Albrecht states that, “the stand is very sturdy by virtue of the double walled construction of the support legs in which the inner sleeves run the full lengths of the legs and the frame hollow sleeves.” (Albrecht, col. 2, ll. 9-11.) Modifying Albrecht by allowing various inner and outer sections to slide for adjustability purposes would result in the inner sleeves no longer “run[ning] the full lengths of the legs and the frame hollow sleeves.” Such a modification would cause the support stand to lose its sturdiness and ability to support very heavy objects,



such as aquariums. As a result, the modified support stand would be unsatisfactory for its intended purpose. Albrecht cannot be modified in this manner. (MPEP § 2143.01(V).)

As discussed above, Albrecht fails to disclose or suggest *any* adjustability of a support stand. Therefore, a displayed object can be positioned at a single predetermined height if using a support stand in accordance with Albrecht.

Accordingly, the cited combinations, including Albrecht, fail to disclose or suggest “a positioning assembly enabling positioning of the interactive display in a *continuous range* between the bottom height and the top height, wherein the interactive display is positionable *at any height* between the bottom height and the top height” or a “positioning assembly enabling positioning of the interactive display *at any height* between the bottom height and the top height,” as recited in Claims 75 and 77.

#### **D. Conclusion**

For at least the above reasons, Applicant respectfully submits that Applicant's independent Claims, Claims 1, 75, and 77, are patentable over the cited combinations. Applicant further submits that Applicant's dependent Claims, Claims 2, 4-17, 19, and 76, are patentable over the cited combinations by virtue of their dependence on Applicant's independent Claims, and for the additional features recited in the dependent Claims. Thus, all of Applicant's Claims are believed allowable.

#### **II. Fees**

This *Response and Amendment* is being filed within six months of the *Office Action*, and more specifically within four months. Accordingly, a one-month extension of time fee is believed due.

The numbers of total and independent Claims remain less than those paid for upon filing, so no Claim fees are believed due.

Authorization to charge Deposit Account No. 20-1507 is hereby expressly given for the one-month extension of time fee and all other fees deemed due.

### **CONCLUSION**

By the present *Response and Amendment*, Claims 1-2, 4-17, 19, and 75-77 are pending in the Application for examination purposes. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.3340.

Respectfully submitted,

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